

ORDINANCE NO. 08-78

ORDINANCE APPROVING AND ADOPTING THE BUDGET OF THE DEPARTMENT OF WATER AND SEWERS OF THE CITY OF HIALEAH, FLORIDA, FOR THE FISCAL YEAR 2008-2009 COMMENCING ON OCTOBER 1, 2008 AND ENDING ON SEPTEMBER 30, 2009, IN THE TOTAL AMOUNT OF \$67,631,522; APPROVING WATER AND SEWER RATE INCREASES TO HELP OFFSET WHOLESALE WATER AND SEWER RATE INCREASES TO BE IMPOSED BY MIAMI-DADE COUNTY EFFECTIVE OCTOBER 1, 2008, IN CONJUNCTION WITH A CONSUMER PRICE INDEX (CPI) INCREASE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTY FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, effective October 1, 2007, the Miami-Dade Water and Sewers Department has advised the City of an increase in the wholesale water rate to \$1.3636 per 1,000 gallons and a decrease in the wholesale wastewater or sewer rates, at \$1.4761 per 1,000 gallons from November 1 through April 30 (dry season) and \$1.8978 per 1,000 gallons from May 1 through October 31 (wet season); and

**WHEREAS**, the City finds that it is in the best interest to recoup and help defray the increases that the City will continue to pay Miami-Dade County for the purchase of its water and the disposal of its wastewater; and

**WHEREAS**, the Department of Water and Sewers is required by loan agreements to maintain ratios of operating income to operating expenses.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** The budget of the Department of Water and Sewers of the City of Hialeah, as attached hereto and made a part hereof, in the total amount of \$67,631,522,

for the fiscal year 2008-2009 commencing on October 1, 2008 and ending September 30, 2009, is hereby approved and adopted.

**Section 2:** The City of Hialeah, Florida hereby approves a water rate increase to help offset wholesale rate increases to be imposed by Miami-Dade County by action of the Board of County Commissioners, in conjunction with a Consumer Price Index (CPI) increase established by resolution.

**Section 3:** The City of Hialeah, Florida hereby approves the same sewer rates as the existing rates, except as increased by the Consumer Price Index (CPI) established by resolution.

**Section 4: Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 5: Penalties.**

Any person, business, association, corporation, partnership or other legal entity who violates any of the provisions of this ordinance shall receive a civil penalty, up to a maximum of \$500.00, within the discretion of the court or administrative tribunal having jurisdiction. Each day that a violation continues shall constitute a separate violation.

**Section 6: Severability Clause.**

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

**Section 7: Effective Date.**

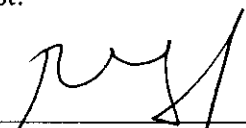
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

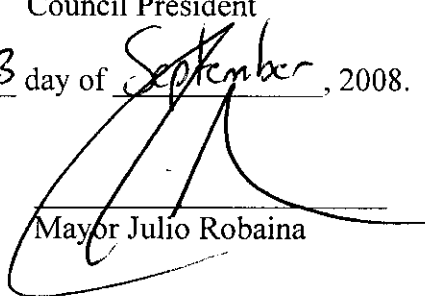
PASSED and ADOPTED this 22nd day of September, 2008.  
THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

  
\_\_\_\_\_  
Esteban Bovo  
Council President

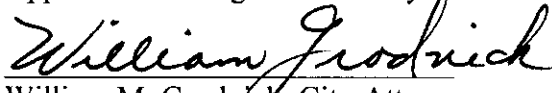
Attest:

Approved on this 23 day of September, 2008.

  
\_\_\_\_\_  
Rafael E. Granado, City Clerk

  
\_\_\_\_\_  
Mayor Julio Robaina

Approved as to legal sufficiency and form:

  
\_\_\_\_\_  
William M. Grodnick, City Attorney

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Ordinance was adopted by a unanimous vote with Councilmembers Bovo, Caragol, Casals-Muñoz, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes".

| CITY OF HIALEAH, FLORIDA   |                      |                     |                      |                    |                     |                    |                     |                      |
|--|----------------------|---------------------|----------------------|--------------------|---------------------|--------------------|---------------------|----------------------|
| 2008-2009  |                      |                     |                      |                    |                     |                    |                     |                      |
| MILLAGE RATE: 6.540  |                      |                     |                      |                    |                     |                    |                     |                      |
|  | General Fund         | Solid Waste         | Water & Sewer        | Street Fund        | Special Revenues    | CITT Fund          | Capital Projects    | Total All Funds      |
| Ad Valorem taxes   | 66,409,748           |                     |                      |                    |                     |                    |                     | \$66,409,748         |
| Sales, Use and Fuel Taxes  |                      |                     |                      | 4,026,508          | 1,444,905           |                    |                     | \$5,471,413          |
| Franchise Taxes  | 11,455,000           |                     |                      |                    |                     |                    |                     | \$11,455,000         |
| Intergovernmental  | 24,420,522           |                     | 2,375,000            | 172,150            | 7,817,477           | 5,779,621          | 29,524,000          | \$70,088,770         |
| Utility Taxes  | 21,457,123           |                     |                      |                    |                     |                    |                     | \$21,457,123         |
| Fines and Forfeitures  | 1,137,000            |                     |                      |                    | 1,246,757           |                    |                     | \$2,383,757          |
| Licenses and Permits   | 6,305,500            |                     |                      |                    |                     |                    |                     | \$6,305,500          |
| Miscellaneous/Interest Income  | 2,184,425            |                     | 4,263,031            |                    | 1,728,488           |                    |                     | \$8,175,944          |
| Charges for Services   | 1,864,500            | 13,776,452          | 47,364,389           |                    | 8,655,725           |                    |                     | \$71,661,066         |
| Bank Loan/Bond Proceeds  |                      |                     | 70,500,000           |                    |                     |                    |                     | \$70,500,000         |
| <b>TOTAL SOURCES</b>   | <b>\$135,233,818</b> | <b>\$13,776,452</b> | <b>\$124,502,420</b> | <b>\$4,198,658</b> | <b>\$20,893,352</b> | <b>\$5,779,621</b> | <b>\$29,524,000</b> | <b>\$333,908,321</b> |
| Transfers In   | -                    | \$1,103,561         | -                    | -                  | \$92,914            | -                  | -                   | \$1,196,475          |
| Reserves   |                      |                     | 13,629,102           |                    |                     |                    |                     | \$13,629,102         |
| Fund Balances/Net Assets   | \$9,633,767          | -                   | -                    | -                  | -                   | -                  | -                   | \$9,633,767          |
| <b>TOTAL - REVENUE, TRANSFERS, AND BALANCES</b>                            | <b>\$144,867,585</b> | <b>\$14,880,013</b> | <b>\$138,131,522</b> | <b>\$4,198,658</b> | <b>\$20,986,266</b> | <b>\$5,779,621</b> | <b>\$29,524,000</b> | <b>\$358,367,665</b> |
| <b>EXPENDITURES</b>  |                      |                     |                      |                    |                     |                    |                     |                      |
| Police Department  | 42,549,570           | -                   | -                    | -                  | 1,795,007           | -                  | -                   | \$44,344,577         |
| Fire Department  | 30,410,754           | -                   | -                    | -                  | 8,044,209           | -                  | -                   | \$38,454,963         |
| 911 Communications Division  | 2,412,049            | -                   | -                    | -                  | 2,136,573           | -                  | -                   | \$4,548,622          |
| Education & Community Services   | 2,209,527            | -                   | -                    | -                  | 1,482,910           | -                  | -                   | \$3,692,437          |
| Library Division   | 1,891,943            | -                   | -                    | -                  | -                   | -                  | -                   | \$1,891,943          |
| Streets Division   | -                    | -                   | -                    | 4,198,658          | -                   | 5,779,621          | -                   | \$9,978,279          |
| Stormwater Division  | -                    | -                   | -                    | -                  | 3,600,000           | -                  | -                   | \$3,600,000          |
| Fleet Maintenance Division   | 2,573,724            | -                   | -                    | -                  | -                   | -                  | -                   | \$2,573,724          |
| Transit Division   | -                    | -                   | -                    | -                  | 2,208,819           | -                  | -                   | \$2,208,819          |
| Construction & Maintenance   | 4,450,261            | -                   | -                    | -                  | -                   | -                  | -                   | \$4,450,261          |
| Parks & Recreation   | 10,778,793           | -                   | -                    | -                  | -                   | -                  | 15,524,000          | \$26,302,793         |
| Communications & Special Events  | 1,104,115            | -                   | -                    | -                  | -                   | -                  | -                   | \$1,104,115          |
| Human Resources  | 911,635              | -                   | -                    | -                  | -                   | -                  | -                   | \$911,635            |
| Finance Department   | 951,851              | -                   | -                    | -                  | -                   | -                  | -                   | \$951,851            |
| Building Division  | 2,150,674            | -                   | -                    | -                  | -                   | -                  | -                   | \$2,150,674          |
| Planning & Zoning Division   | 837,888              | -                   | -                    | -                  | -                   | -                  | -                   | \$837,888            |
| Office of The Mayor  | 677,945              | -                   | -                    | -                  | -                   | -                  | -                   | \$677,945            |
| Information Technology   | 1,546,714            | -                   | -                    | -                  | -                   | -                  | -                   | \$1,546,714          |
| Code Compliance  | 700,867              | -                   | -                    | -                  | -                   | -                  | -                   | \$700,867            |
| License Division   | 497,074              | -                   | -                    | -                  | -                   | -                  | -                   | \$497,074            |
| Office of Retirement   | 578,378              | -                   | -                    | -                  | -                   | -                  | -                   | \$578,378            |
| Office of Management & Budget  | 598,063              | -                   | -                    | -                  | -                   | -                  | -                   | \$598,063            |
| Affordable Housing   | -                    | -                   | -                    | -                  | 1,718,488           | -                  | 14,000,000          | \$15,718,488         |
| Office of the City Clerk   | 1,110,170            | -                   | -                    | -                  | -                   | -                  | -                   | \$1,110,170          |
| Law Department   | 1,015,168            | -                   | -                    | -                  | -                   | -                  | -                   | \$1,015,168          |
| Risk Management  | 831,716              | -                   | -                    | -                  | -                   | -                  | -                   | \$831,716            |
| General Government   | 32,882,231           | -                   | -                    | -                  | -                   | -                  | -                   | \$32,882,231         |
| Solid Waste Division   | -                    | 14,880,013          | -                    | -                  | -                   | -                  | -                   | \$14,880,013         |
| Water & Sewer Comb. Svcs.  | -                    | -                   | 16,979,364           | -                  | -                   | -                  | -                   | \$16,979,364         |
| Water Utility Services   | -                    | -                   | 15,100,897           | -                  | -                   | -                  | -                   | \$15,100,897         |
| Sewer Utility Services   | -                    | -                   | 35,551,261           | -                  | -                   | -                  | -                   | \$35,551,261         |
| Water and Sewer Reverse Osmosis Plant                                      | -                    | -                   | 70,500,000           | -                  | -                   | -                  | -                   | \$70,500,000         |
| <b>TOTAL EXPENDITURES</b>  | <b>\$143,671,110</b> | <b>\$14,880,013</b> | <b>\$138,131,522</b> | <b>\$4,198,658</b> | <b>\$20,986,006</b> | <b>\$5,779,621</b> | <b>\$29,524,000</b> | <b>\$357,170,930</b> |
| Transfers Out  | \$1,196,475          | -                   | -                    | -                  | -                   | -                  | -                   | \$1,196,475          |
| <b>TOTAL - APPROPRIATED EXPENDITURES, TRANSFERS, RESERVES AND BALANCES</b> | <b>\$144,867,585</b> | <b>\$14,880,013</b> | <b>\$138,131,522</b> | <b>\$4,198,658</b> | <b>\$20,986,006</b> | <b>\$5,779,621</b> | <b>\$29,524,000</b> | <b>\$356,367,405</b> |